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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/442,676	11/18/1999	GREGORY T. HULAN	PDNO-1099181	6250
22879	7590	06/30/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			POON, KING Y	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/442,676

Applicant(s)

HULAN, GREGORY T.

Examiner

King Y. Poon

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005 and 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-9 and 11 is/are allowed.
- 6) ☒ Claim(s) 12 and 14 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/14/2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2624

3. Claims 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Jamzadeh (US 5,889,578).

Regarding claim 12: Jamzadeh teaches an apparatus (fig.1, column 3, line 43) for scanning an image (column 3, line 53) and printing copies of the image (column 7, lines 19-25, fig. 8A, fig. 8B) on a sheet, (sheet, column 7, line 50) the apparatus comprising: a scan module; (film scanner 32, fig. 1); a print module (laser writer, 52, fig. 1); an input device (operator interface, column 8, line 17) for allowing a one or more photo size (4R, 5R, or 8R, column 7, lines 55-67, column 8, lines 1-17) to be selected (column 8, line 43); and means (image data manager/IDM 30, column 3, line 44; IDM controls the system including the scanner, column 3, lines 42-47) for causing the scan module (scanner, column 3, line 51) to scan the original image, (second scan for the selected image, column 7, lines 19-25, column 4, lines 1-3), the means (IDM 30, column 3, line 44) automatically (the resolution of the scanned image used in the interpolation, column 8, lines 1-16 is determined automatically by the IDM from the selected enlargement size, column 7, lines 33-36, column 3, lines 55-63) determining an actual size (the number of pixels of the scanned image, column 8, lines 8-16) of the scanned original image (the scanned pixels) and scaling (scaling the number of pixels of the scanned image to the number of pixels of the printed image by interpolation, column 8, lines 8-17) copies (copies, column 8, line 55, e.g., fig. 8A) of the scanned image (pixels) to the photo size (e.g., 4R, column 7, line 50, column 8, line 13) selected via the input device, the means (IDM 30 controls the printer 60 which includes the laser writer, fig. 1,

Art Unit: 2624

column 3, lines 44-47) also causing the print module (laser writer, 52, fig. 1) to print the copies on the sheet (column 7, lines 26, 33).

Note: Column 7, lines 19-30, teaches once the scanned image is stored to make a full page print, the printing begins. For example, when a user selects to print nine 4R copies of a selected image, which will make a full page print, column 7, lines 49-52; the printing begins after the selected image is scanned and stored.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jamzadeh as applied to claim 12 above, and further in view of Collard (US 6,236,473).

Regarding claim 14: Jamzadeh teaches to print and fill different copies of photograph(s) onto a sheet. For example, nine 4R prints will fill up a sheet with no waste, column 7, lines 49-51. Five 4R one 8R and three 4R are selected to fill a sheet with no waste, column 7, lines 55-65. Since Jamzadeh teaches to arrange copies of photograph to be printed onto a sheet with no waste, Jamzadeh teaches to utilize maximum printable area on a sheet.

Jamzadeh does not teach wherein the means rotates at least one copy to utilize maximum printable area on the sheet.

Collard, in the same area of printing images onto a sheet, teaches a control unit (column 7, lines 15-17) rotates (column 1, line 30, column 7, lines 31-32) an image such that the printed image fits the orientation of print area of a print sheet. (Column 1, lines 18-37, fig. 6B)

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Jamzadeh's controller/IDM to include: the IDM rotates the image of a copy of the photograph such that the image fits the orientation of the print area designated, for example, 8R of fig. 8A.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Jamzadeh's controller/IDM by the teaching of Collard because of the following reasons: (a) it would have allowed pictures of different orientation to fit in the designated area of the sheet, for example, the 5R of fig. 8B would only allow copy of photograph with orientation the same as the orientation of area designated by 5R of fig. 8B. Photographs (5R) in different orientation would not fit in the designated area without rotation; and (b) it would have reduced cost by saving paper from fitting an extra photograph onto a printable area of the paper.

Note: Jamzadeh teaches to fit copies of photograph(s) into designated areas of a sheet which utilize the maximum printable area on the sheet. After the modification, copies of photograph of different orientation are rotated to fit into the designated areas, of the sheet, which utilize the maximum printable area on the sheet. Therefore,

Art Unit: 2624

Jamzadeh as modified by Collard teaches rotates at least one copy to utilize maximum printable area on the sheet.

***Allowable Subject Matter***

6. Claims 7-9, 11 are allowed.
7. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's argument with respect to claims 7-9, 11, 13 presented on amendment, page 7, 9-11, filed 2/14/2005, are persuasive.

With respect to applicant's argument with respect to claim 12 that Jamzadeh does not teach automatically determining the actual size of the original image, has been considered.

In reply: Determining an actual size of the original image is not part of the claimed limitations of claim 12.

**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to King Y. Poon whose telephone number is 571-272-7440. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



June 15, 2005

**KING Y. POON**  
**PRIMARY EXAMINER**